

# Notice of Allowability

Application No.

09/319,142

Examiner

Alicia Chevalier

Applicant(s)

WINTER ET AL.

Art Unit

1772

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed February 4, 2004.
2. ☒ The allowed claim(s) is/are 32-43 and 46-48.
3. ☒ The drawings filed on 04 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>04/27/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____.   |

***EXAMINER'S AMENDMENT***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Robert Becker on April 27, 2004.

In the specification on page 1, deleted lines 2-5.

Cancel claims 44, 45, 49 and 50.

Claim 32 has been amended to read:

32. A gemstone comprising:

a plate-shaped support having a surface with at least one pyramid-shaped depression, wherein said at least one pyramid-shaped depression has a mirror surface; and

a vapor phase deposit layer comprising a precious synthetic gemstone layer disposed on said plate-shaped support and having an upper surface facing away from said plate-shaped support and an underside having at least one pyramid-shaped projection disposed in and coinciding with said at least one pyramid-shaped depression of said support,

said precious synthetic gemstone layers include grain boundaries that are aligned in a column shape,

wherein side faces of the faces of said at least one pyramid-shaped projection of said underside of said vapor phase deposit layer upon said plate-shaped support impart decorative light-reflective qualities to said synthetic gemstone layer.

#### ***REASONS FOR ALLOWANCE***

3. The following is an examiner's statement of reasons for allowance:

The base claim is: 32.

4. The closest prior art found can be summarized as follows:

Nassau et al. (U.S. Patent No. 5,882,786) discloses synthetic gemstones which are produced by growing single crystals of silicon carbide, fashioning the silicon carbide into gemstone cores, and thereafter depositing a thin coating of diamond on the core. See abstract. The color of the diamond coating may be achieved by doping. *See column 4, lines 11-39.* The table of the silicon carbide gemstone core may be formed parallel to the basal plane since this orientation simplifies the production process, or it may be oriented so that the diamond deposition occurs on the carbon face instead of the silicon face, thereby facilitating the initial nucleation and uniformity of the diamond coating. *See column 5, lines 12-27.*

Nassau fails to teach or suggest the recited a plate-shaped support having a surface with at least one pyramid-shaped depression, wherein said at least one pyramid-shaped depression has

Art Unit: 1772

a mirror surface and said precious synthetic gemstone layers include grain boundaries that are aligned in a column shape.

Gregory (U.S. Patent No. 2,521,846) discloses a composite glass and metal article with internal fractures forming light-reflecting facets and surfaces imparting gem-like or jewel-like properties. *See column 1, lines 1-8.* The flat metal vessels, which would appear to be inherently a hard metal, may have pyramid-shaped recesses forming geometric extensions of the sheet proper. *See figures 10 and 11 and column 4, lines 1-7.*

Gregory fails to teach or suggest the recited said at least one pyramid-shaped depression has a mirror surface and a vapor phase deposit layer comprising a precious synthetic gemstone layer disposed on said plate-shaped support and having an upper surface facing away from said plate-shaped support and an underside having at least one pyramid-shaped projection disposed in and coinciding with said at least one pyramid-shaped depression of said support, said precious synthetic gemstone layers include grain boundaries that are aligned in a column shape, wherein side faces of the faces of said at least one pyramid-shaped projection of said underside of said vapor phase deposit layer upon said plate-shaped support impart decorative light-reflective qualities to said synthetic gemstone layer.

In sum, the prior art of record fails to teach or suggest gemstone having all the features of the base claim(s).

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1772

***Conclusion***


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

4/29/04

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

4/29/04